

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS Plubell, Mary		DEFENDANTS Merck & Co., Inc.	
(b) County of Residence of First Listed Plaintiff Jackson County, MO		County of Residence of First Listed Defendant Hunterdon County, NJ	
(c) Attorney's (Firm Name, Address, and Telephone Number) See Attachment		Attorneys (If Known) See Attachment	

(d) Does this case seek a declaration judgment that a Missouri statute, rule or regulation is unconstitutional on its face or seek to enjoin the enforcement of a rule or regulation as to all persons because it is unconstitutional on its face? Yes

NOTE: Do not include cases that only allege that the State of Missouri or any of its agencies have acted unconstitutionally or petitions or complaints filed by persons confined in federal, state, county or municipal penal institutions, jail or mental institutions.

I. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)					
<input checked="" type="checkbox"/> U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

V. NATURE OF SUIT (Place an "X" in One Box Only)						
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment	
120 Marine	310 Airplane	362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust	
130 Miller Act	315 Airplane Product Liability	365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	28 USC 157	<input type="checkbox"/> 430 Banks and Banking	
140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce		
150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation		
151 Medicare Act	340 Marine	371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations		
152 Recovery of Defaulted Student Loans (Excl. Veterans)	345 Marine Product Liability	380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit		
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	385 Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV		
160 Stockholders' Suits	355 Motor Vehicle Product Liability	386 Product Liability	<input type="checkbox"/> LABOR	<input type="checkbox"/> 510 Fair Labor Standards Act		
190 Other Contract	360 Other Personal Injury	390 Other Personal	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)		
195 Contract Product Liability	365 Civil Rights	395 Prison Condition	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)		
196 Franchise			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIW W (405(g))		
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI		
210 Land Condemnation	441 Voting	510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))		
220 Foreclosure	442 Employment	Habeas Corpus:	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)		
230 Rent Lease & Ejectment	443 Housing/ Accommodations	530 General	<input type="checkbox"/> Security Act	<input type="checkbox"/> 871 IRS—Third Party		
240 Torts to Land	444 Welfare	535 Death Penalty		26 USC 7609		
245 Tort Product Liability	445 Amer. w/Disabilities - Employment	540 Mandamus & Other		<input type="checkbox"/> 892 Economic Stabilization Act		
290 All Other Real Property	446 Amer. w/Disabilities - Other	550 Civil Rights		<input type="checkbox"/> 893 Environmental Matters		
	440 Other Civil Rights	555 Prison Condition		<input type="checkbox"/> 894 Energy Allocation Act		

VI. ORIGIN (Place an "X" in One Box Only)		Appeal to District Judge from Magistrate Judgment				
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7

If this is a removal from state court list the county Jackson County, Missouri and the case number 04-CV235817

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332

VII. CAUSE OF ACTION
Brief description of cause:
Missouri Merchandising Practice Act action for alleged economic damages from the purchase of the prescription medicine VIOXX®.

VIII. REQUESTED IN COMPLAINT:	<input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ In excess of \$5 million	CHECK YES only if demanded in complaint: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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IX. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 9-12-05 SIGNATURE OF ATTORNEY OF RECORD *Paul A. Bruehl*

IMPORTANT - The submission of this Civil Cover Sheet does not constitute the filing of your complaint. You MUST electronically file your complaint upon notification from the Clerk's Office.

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